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Department of [illegible]

OFFICE [illegible]

STATION [illegible]

File No. [illegible]	A 41879/20
Dated [illegible]	

To whom sent	Date	Initial
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(SUBJECT.)

[illegible] Land Records Nairobi District [illegible]
[illegible] R. E. P. No. 504/20 - Nairobi
Deceased Kimanya Kaitaj - Reference
Boundaries - Pasture Water - [illegible]

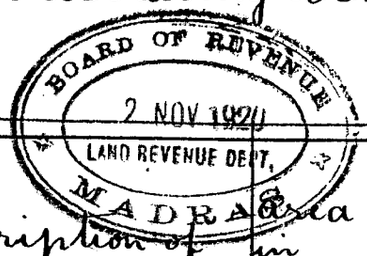
* Not to be [illegible] led in the case of permanent records.

Ref 6703567 Rev/19.

Transfers to Land Revenue 4 3-Uses

Application for declaring escheat. the immoveable prop

District.



A 4150

Taluk	Village	Description of property.	Area in acres	Assessment	Estimated yearly rent value after deducting assessment etc.	Estimated market value.	19 of de of la on
1.	2.	3.	4.	5.	6.	7.	
Udipi	Magur	S.Nos. 9/1+2, 13/14 + 71/4 wet. S.Nos 9/3+7 + 71/9 garden S.No. 10/2 - Dry	6.35	28 9. or 31 11 0 with cesses	Gross. 34½ moorus of rice and 27 rupees or Rs 234 valuing the rice at Rs 6/- per moora. Net after deducting assessment 202 5	4000 . .	28

South Canara Collector's office Mangalore dated 28th October 1920.

To

The Secretary to the Board
Land Revenue

20. In Nagar
rty of Sunmaya Shetty in the South Kanara

de re th e t- ver	Date of the publication of the notice inviting claims	Names of claimants and their relationship to the deceased	Particulars of objections raised.	Collector's recommendation
	9	10	11	12
1-17	24-4-19	Poovva Shedthi deceased's daughter.	The claimant Poovva Shedthi claims the property on the strength of a will said to have been executed by the deceased a few days prior to his death.	Vide separate sheets attached.

D Mambren
28/X/20
for Collector

RM
28 X

of Revenue
e Records

12th column 4

One Ummaya Shetty, a Nadavar by caste, who owned properties described in Column 3 and who was governed by the Aliva-santana Law of Succession died on 28th July 1917.

2. A detailed enquiry has been held into the question ---- whether the property of the deceased is liable to escheat or - not. Eleven persons including the deceased's son and ------- daughter have been examined and their statements recorded. All of ~~these~~ them declare that the deceased has left no legal heirs to -- succeed to his properties and the Government Pleader, Mangalore is of opinion that their evidence is quite sufficient to ----- establish a prima facie case that the deceased is heirless. --- Further four executions have been taken in suits filed against the deceased. In all of these the Secretary of State has been shown as the respondent, and in none of them has any person --- come forward as an heir; nor did any person prefer any claim - in pursuance of the notice published in the District Gazette -- inviting claimants.

3. The records of enquiry clearly show that the deceased -- has no legal heirs and that the property is liable to be ----- escheated to Government.

4. In 1906 one Chinnaya Shetty had sued the deceased ----- Ummaya Shetty and 7 others in the Udipi Munsiff's Court for --- the recovery of Rs.1,000/- due on the hypothecation of the --- deceased's property. Defendants 2 to 6 were made parties in - this suit, as they alleged that they were the grand-children of Channamma Shedthi, maternal aunt of the 1st defendant, Ummaya -- Shetty, who, however, contended before the District Munsiff -- that the said defendants 2 to 6 were not members of his family and that the relationship put forward by them was untrue. The Munsiff in deciding the suit in favour of the plaintiff held -- that defendants 2 to 6 were not members of 1st defendant's ---- family. Against this finding the said defendants 2 to 6 ----- appealed to the District Court. After the filing of this ---- appeal Ummaya Shetty, the 1st respondent died and no legal ---

representatives of the deceased having been brought on record - within the time allowed, the Judge passed orders declaring that the appeal abated. It seems, therefore, to be clear that the -- deceased has left no heirs to succeed to his property.

5. The suit referred to in the last para is also of importance as showing that the will under which Poovu Shedthi, the --- deceased's daughter claims his property is not genuine. On the death of Ummaya Shetty, she applied to the District Judge to be impleaded as a respondent in the place of the deceased basing her application on the strength of a will dated 22nd July 1917 which purports to constitute her as the sole heir of the deceased. The appellant having objected on the ground that the will was a ---- forgery, the Judge called for a finding from the Munsiff on this point. The Munsiff after taking evidence on both sides submitted a finding that the will was not a genuine one. On this the ---- Judge dismissed the petition of Poovu Shedthi concurring in the -- finding of the Munsiff. Hence Poovu's present claim on the ----- strength of the same will needs no further investigation.

6. All the properties with the exception of one sub-division viz., 9/3 have been leased out by the deceased on 1st June 1905 13/14, 71/4 & 9 to one Shiddaya Shetty for a term of 40 years on an annual rent of Rs. 44/- and 9/1, 2,& 7 and 10/2 to the ------- deceased's son, Mudara Shetty for a period of 30 years subject to an annual rent of 16 muras of rice and 2000 sheaves of straw. --- Both these lessees have no objection to pay the rents to Government, the former from 1919-20 and the latter from 1917-18. Mudara Shetty says that he has paid the rent till 1916-17 to the ------ deceased Ummaya Shetty while Shiddaya Shetty states that he has -- paid the rent till 1918-19 in Court to one Muddanna Shetty ------ according to a decree obtained by him on the authority of a deed - of assignment of rent executed by the deceased in favour of ----- Muddanna Shetty. I am instituting further enquiry into this --- matter and shall submit another report after its completion. The one excepted sub-division viz., 9/3 is in the possession of Poovu Shedthi, the deceased's daughter.

been examined. Their statements vary considerably from one -- another and are even conflicting. Subraya Bhatta, Muddanna -- Shetty and Babanna Bhatta deny in toto having attested any of these pro-notes. Further, Subraya Bhatta and Babanna Bhatta - do not even know who the plaintiff is. Kuddu alias Muddanna -- Hegde and Bogra Shetty stated at first that the note they ---- attested was one executed in favour of one Muddanna Shetty, --- though they afterwards declared that they cannot say so ----- definitely until they looked at the note. Padmanabha Kini --- alone is inclined to support the execution of the 2nd document. Bogra Shetty is said to be a bad character and an ex-convict. Padmanabha Kini's character also is of a doubtful nature, as he appears to have been dismissed from the post of shanbhogue on certain grave charges. Babanna Bhatta, on the other hand, is stated to belong to a respectable family paying an assessment of Rs. 1,200/-. The Government Pleader is of opinion --- that the suit should be contested and I agree with him. The draft written statement prepared by the Udipi Vakil and --- approved by the Government Pleader, Mangalore is submitted ---- herewith for approval together with a translation of the plaint.

10. As the suit and the executions have all been posted to 30th November 1920, I request that the necessary orders in the matter of opposing the execution and the suit referred to in paras 8 and 9 and also of paying the amounts involved in the -- other three executions may be communicated to me by the 20th -- November.

(True copy)

Kamanahalli
27/10

For Ag. Collector.

27.X.20

30-11-20.

Issue
1/12/20

A 4150/20

Suits (S. Kanara) Uchipi Dt. Munsiff — O.S. No 383/20 ~ Escheat
R.E.P. No 504/20 — Property Malpu. Deceased Ummaya Shetty — Defence.

Sanctioned 1410/12 XI/20

Recd (Tis) No. The Board sanctions the Collr's proposal to declare escheat the property of the deceased Ummayya Setty and to institute a suit to take possession of S No 9/3 which is in the occupation of Soma Shetti

Rec'd.

2/ The Board also sanctions the Defence of the suit ~~and filed~~ by Nagappa Hegde and approves the draft W.S.

3/ The Memo of objections in R.E.P No 504/20 on the file of the Dt. Munsiff Court is also approved. The Collr's proposal to pay the Amounts involved in 30 other executions is sanctioned ~~Before declaring the property escheat.~~

~~Board heard~~

4/ The report promised in para 6 of the Collr's letter is awaited

10/12.

To
The Collector
S Kanara

Fwd
15/12

9 11

In the Court of the District Munsiff of Udipi.

Original Suit No. 383/1920.

Between.

Nagappa Heggade ... Plaintiff.

and

Shiddu Shetty and others .. Defendants.

Written statement of the Secretary of State for India in Council, 3rd defendant in the suit, represented by the Collector of South Kanara.

Under Order VIII, Rule 1 of Civil Procedure Code.

The defendant abovenamed begs to state as follows:-

1. That the address of this defendant is as stated in the plaint.

2. That plaintiff's suit is frivolous, speculative and is - not maintainable at law and on merits.

3. This defendant denies that the plaint pro-note was --- executed by the deceased Ummaya Shetty, and that it is supported by any consideration. The plaint pro-note is a fabrication got up by the plaintiff in collusion with one Bommaiya Shetty, the son-in-law of the deceased Ummaya Shetty.

4. This defendant submits that defendants 1 and 2 are not - necessary parties to this suit, as only the Government is ---- entitled to all the properties of the deceased Ummaya Shetty by right of escheat Ummaya Shetty having died heirless.

5 That this defendant denies the other allegations in the plaint not expressly traversed herein, in so far as they are against him

6. This defendant, in conclusion, denies plaintiff's claim in toto and prays that the same may be dismissed with costs.

South Kanara Collector's Office,
Mangalore, ~~27th~~ October 1920.

For Collector.

28/X

28.X.20

15

In the Court of the District Munsiff, Udipi.

Monday the 14th day of February 1910.

Present:- M.R.Ry. M. Deva Rau, Avargal, B.A., B.L.

Original Suit No. 43 of 1910.

Between.-

1. Mammi Beari ‡ sons of Koyan Beari. ‡ Plaintiffs.
2. Abdul Kadri Beari ‡

Plaintiffs reside in Majur village, Balisavira Magane, - Udipi Taluk.

and

Doddamane Ummaya Shetti, nephew of Jobbu Shetti, residing in Majur -- village, Udipi Taluk. ‡ Defendant.

Suit to recover Rs. 56/- for principal and Rs.5-12-3 -- for interest at 18¾ per cent. on a pro-note executed by ----- defendant to plaintiffs on 17-6-1909.

Value of claim Rs.61-12-3.

Cause of action arose on 17-6-1909 in Majur village.

D e c r e e.

This cause coming on this day for final disposal before M.R.Ry. M. Deva Rau, Avl., B.A., B.L., District Munsiff in the presence of Mr. G. Srinivasa Rao, Vakil for plaintiffs and the defendant being exparte, the Court doth order and decree that defendant do pay plaintiffs (1) Rs.61-12-3 being the amount -- claimed, (ii) interest on the principal sum of Rs.56/- at 6% per annum from date of plaint (16-1-10) till this date, and -- (iii) Rs.8-6-4 for costs.

Given under my hand and the seal of the Court this 14th day of February 1910.

(Errors one only). Initialled H.P.

(Sd) M. Deva Rau,

District Munsiff.

N.B.- The parties should apply as soon as possible for the --

12 16

return of all the exhibits which they may wish to preserve, as the record will be liable to be destroyed after three years or after five years from the date of disposal of the case in which the exhibit was filed according to the nature of the exhibit -- under the rules for the destruction of records.

True copy on two sheets.

(Sd) U. Vasudeva Acharya,
Examiner.

(True Copy)

(Sd) R. Shiva Rao,
T a h s i l d a r.

(True Copy)

For Collector. 29-X

29-10-20